

**MINUTES  
COLUMBUS BOARD OF ZONING APPEALS  
OCTOBER 28, 2008  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Mary Ferdon, Chairperson; Dave Bonnell, Secretary;  
Lou Marr, Jeff Sharp and Tom Wetherald

**Staff Present:** Laura Thayer, Assistant Planning Director; Alan Whitted  
Deputy City Attorney; Heather Pope, Senior Planner; Emilie  
Pannell, Associate Planner; Rae-Leigh Stark, Associate  
Planner; Stephanie Carr, Code Enforcement

**PUBLIC MEETING**

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

**OLD BUSINESS REQUIRING BOARD ACTION**

**C/CU-08-08-04: Faith, Hope and Love Church**

Faith, Hope and Love Church is requesting conditional use approval a for worship facility in the RS2 (Single Family Residential) zoning district. The property is located at 1395 West County Road 200 South in Columbus Township.

Ms. Thayer read the background and stated that she had worked with Mike Harris, pastor of the church, on several of the issues that needed to be addressed.

She said that outstanding issues included the installation of sidewalks, and dedication of right-of-way.

Ms. Thayer said that staff was recommending approval with conditions.

Mike Harris, representing the petitioner, stated his name and address for the record and presented his case.

Ms. Ferdon opened the public hearing.

There was no one present to speak to this case, and the public hearing was closed.

Mr. Bonnell made a motion to approve **C/CU-08-04** with the following conditions:

1. The property shall be annexed to the City of Columbus.
2. A minimum setback of 15 feet on the east side of the proposed building; and on the north, east, and south side of the proposed parking lot shall be provided. Landscaping as required for a Buffer Yard Type B shall be installed in this setback area.
3. Sufficient right-of way to meet the Thoroughfare Plan shall be dedicated along County Roads 150 West and 200 South.

Ms. Marr seconded the motion and it passed by a vote of 5-0.

**C/DS-08-25: Faith, Hope and Love Church  
Automatically continued due to improper notice**

Faith, Hope and Love Church is a request for a development standards variance to allow access drives with separation distances of approximately 125 feet and 110 feet from adjacent drives, less that the 200 foot separation required between drives by Zoning Ordinance Section 7.3(C)(3)(a)(i). The property is located at 1349 West County Road 200 South in Columbus Township.

Ms. Ferdon said that **C/DS-08-25** had to be continued until next months meeting due to improper notice.

Ms. Marr made a motion to continue the petition, which was seconded by Mr. Sharp.

The motion passed by a vote of 5-0.

**C/DS-08-11: Cummins Engine Company**

Cummins Engine Company is a request for a development standards variance from Zoning Ordinance Section 8.1 (D) (3) (a) to reduce the required landscape buffer from 15 feet to 5 feet. The property is located at 602, 630, and 634 Union Street in the City of Columbus.

Ms. Marr recused herself and left the meeting.

Todd Williams & Associates filed a continuance on behalf of Cummins, requesting continuance until the November meeting.

Mr. Bonnell made a motion to accept the continuance, which was seconded by Mr. Wetherald.

The motion passed by a vote of 4-0.

Ms. Marr returned to the meeting.

**C/DS-08-18: Brent Rea**

Brent Rea is requesting a development standards variance from Zoning Ordinance Section 6.1(F)(2) to allow the total lot coverage of accessory structures to exceed, by 73 square feet, 65% of the ground floor area of the primary structure on the property, and a development standards variance from Zoning Ordinance Section 3.5(C) to allow the depth to width ratio to be 3.3:1 exceeding the 3:1 maximum. The property is located adjacent to the rear side of 5303 South Vine Street, fronting on Pine Street in Wayne Township.

Ms. Ferdon read a letter submitted by petitioner requesting the variance be withdrawn.

Ms. Marr made a motion to accept the withdrawal request, which was seconded by Mr. Sharp.

The motion was approved by a vote of 5-0.

**C/CU-08-06: Columbus Fit**

Columbus Fit is a request for a conditional use approval for a softball practice field in a RT (two-family residential) zoning district, as provided by Zoning Ordinance Section 3.17 (B). The property is located at 3475 Trestle Drive (approximately 260 feet south of Rocky Ford Road on the east side of Trestle Drive), in the City of Columbus.

Ms. Ferdon read a request from the petitioner to continue the variance application until November 25, 2008.

Mr. Bonnell made a motion to approve the continuance request, which was seconded by Mr. Wetherald.

The motion passed by a vote of 5-0.

**C/DS-08-14: Little Caesars**

Little Caesars is a request for a development standards variance from Zoning Ordinance Section 7.1(Part 2)(D)(Table 7.5) to have 7 stacking spaces, 3 fewer than required for a restaurant drive-up window; for a development standards variance from Zoning Ordinance Section 7.2(Part 4)(B)(1) to allow parking spaces along Union Street to encroach approx 7 feet into the required 10 foot setback; a development standards variance from Zoning Ordinance Section 8.1 for relief from the foundation/interior lot sector landscaping requirement; a development standards variance from Zoning

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Ordinance Section 8.1 to allow a reduction in the 25 foot width of the required buffer yard type A along the south side of the property; and a variance from Zoning Ordinance Section 7.2(Part 4)(B)(2) to allow a drive to encroach approximately 2 feet into the required 5 foot setback on the south side of the property. The property is located at 1021 25<sup>th</sup> Street in the City of Columbus.

Mr. Wetherald recused himself and left the meeting.

Jeff Rocker, representing the petitioner, and Robert Flores, petitioner, stated their names and addresses for the record.

Rae-Leigh Stark began by reading the background and gave a power point presentation.

Ms. Stark said that the City Engineer had some concerns that turning radii in the drive-up lane may be too small, particularly the radius on the southeastern corner of the building.

There were some questions in regards to the stacking spaces for the drive-through window, and questions regarding what street people would be turning off of to enter the property.

Mr. Rocker stated that they would not have a menu board with a speaker. The cars would be pulling up and giving their orders, and it would be an average of a 1 minute transaction. He said they were a carry-out only; there would be no seats inside.

There was a brief discussion on the safety risk for the high school kids who would be walking to have lunch there.

The meeting was open to the public.

Edgar Williams of 2408 Union Street wanted to know if the fence would remain at the rear of the property.

Mr. Rocker stated that they thought the fence belonged to Mr. Williams and they had no intention of taking it down. The petitioner would be adding 5 to 6 foot tall trees along the fence line.

Charles Zaharako, who has a business at 1005 25<sup>th</sup> Street, was concerned about safety.

The meeting was closed to the public.

Mr. Bonnell made a motion to approve the request to allow 7 vehicle stacking spaces, 3 fewer than required for a restaurant drive-up window. The motion was seconded by Mr. Sharp. The vote was 2-2, and the request was automatically continued to the November 25, 2008 meeting because of an indecisive vote.

Mr. Bonnell made a motion to approve the request to allow parking spaces along Union Street to encroach approximately 7 feet into the 10 foot required setback. The motion was seconded by Mr. Sharp and passed by a vote of 4-0.

Mr. Bonnell made a motion to approve the request for relief of the required foundation/lot interior sector landscaping. The motion was seconded by Mr. Sharp, and passed by a vote of 4-0.

Mr. Bonnell made a motion to approve the request for relief from the required 25 foot width of the buffer yard type A along the south property line. Mr. Sharp seconded the motion and it passed by a vote of 3-1.

Dave Bonnell made a motion to allow a drive to encroach approximately 2.6 feet into the required 5 foot setback along the south side of the property. The motion was seconded by Mr. Sharp and passed by a vote of 4-0.

#### **C/UV-08-02: Griffin Industries**

Griffin Industries is a request for a use variance to allow the expansion of an industrial use in the AP (Agriculture Preferred) zoning district. The property is located at 345 Water Street in the City of Columbus.

Ms. Ferdon stated that Mr. Sharp was absent from the September meeting when this petition was first discussed, but had listened to the minutes.

Ms. Thayer began by stating that **C/UV-08-02** Griffin Industries was a continuation from last month.

Ted Darnell and Mike McIver, representing the petitioner; and Brian Griffin, petitioner, stated their names for the record.

Mr. Darnell passed out photos.

He said that they believed that the petitioners had met criteria 3, 4 and 5.

Mr. Griffin said that the office building is necessary for the overall operation of this facility.

The meeting was open to the public.

There was no public comment.

The meeting was closed to the public.

Mr. Bonnell made a motion to approve **C/UV-08-02**, accepting the provisional findings of fact for criteria 1 and 2. He said that criterion 3 is met; the condition peculiar to the

property is being in the floodway and the need to build to DNR standards. He said criterion 4 is met; there is a hardship for the business on the property to operate in an efficient manner. He said criterion 5 is met; since it is an agricultural business, it does fit the zoning regulations if all DNR regulations are followed.

The motion was seconded by Mr. Wetherald.

The motion failed by a vote of 2-3.

Ms. Marr made a motion to deny **C/UV-08-02**, accepting the provisional findings of fact as presented by staff.

Mr. Sharp seconded the motion.

The motion passed by a vote of 3-2.

**C/DS-08-17: Meek/Bryant/Meek**

Meek/Bryant/Meek is a development standards variance from Zoning Ordinance Section 3.5 (D) (2) and 3.5(C) to allow the creation of a parcel of less than 20 acres and to allow the depth to width ratio of 4:1, exceeding the 3.1 maximum. The property is located on the west side of County Road 300 West approximately 600 feet south of State Road 58 in Wayne Township.

Ms. Ferdon stated that Mr. Sharp was absent from the September meeting when this petition was first discussed, but had listened to the minutes.

Ms. Stark began by reading the background. She stated that this was a continuation from last month and there was nothing new to the petition.

Ronald L. Meek, Mark Issacs with Independent land surveying, Glenn Meek, and Jimmy Bryant all stated their names and address for the record.

Mr. Issacs stated that the petitioners believed they had met all the criteria.

Ms. Stark said that staff had met with the petitioners, but nothing had been resolved.

There was no one to speak at the public hearing.

Mr. Sharp made a motion to deny **B/DS-08-10**, adopting the provisional findings of fact.

Ms. Ferdon seconded the motion, which passed by a vote of 3-2.

## **NEW BUSINESS REQUIRING BOARD ACTION**

### **C/CU-08-08: Linda Pettit-Smith**

Linda Pettit-Smith is requesting a use variance to allow a beauty salon and alterations / sewing business in the RE (Established Residential) zoning district. The property is located at 1309 Washington Street in the City of Columbus.

Petitioner Linda Pettit-Smith stated her name and address for the record.

Heather Pope read the background and the findings of fact, and gave a power point presentation.

The petitioner requested to withdraw her case.

Tom Wetherald made a motion to accept the withdrawal.

The motion was seconded by Dave Bonnell, and was approved by a vote of 5-0.

### **C/DS-08-20: Frank Jerome**

Frank Jerome is requesting a developmental standards variance from Zoning Ordinance Section 3.10 (C) to encroach approximately 2.5 feet into the required 25 foot setback. The property is located 4131 Fairlawn Drive in the City of Columbus.

Ms. Thayer began by reading the background along with the findings of fact.

A visual presentation was made.

Mr. Jerome, petitioner, stated his name and address for the record.

Mr. Jerome stated that the property would look much better than it does now. He said that the garage would be further away from the street than it is now.

The meeting was open to the public.

There was no one to speak, and the public hearing was closed.

Ms. Marr made a motion to approve **C/DS-08-20**, adopting the provisional findings of fact for criteria 1 and 2. She stated that criterion 3 was met because of vandalism in neighborhoods, making it necessary that vehicles be enclosed. She said that the strict application of the zoning ordinance does make a practical difficulty.

Mr. Wetherald seconded the motion.

The motion passed by a vote of 5-0.

**C/CU-08-10: Columbus City Utilities**

Columbus City Utilities is requesting conditional use approval to allow a municipal waste water treatment plant in the AP (Agriculture Preferred) zoning district, per Zoning Ordinance Section 3.5(B). The property is located at 3465 South Jonesville Road in Columbus Township.

Heather Pope presented a power point presentation and read the background and the findings of fact.

Petitioners Keith Reeves, Mike Myer and Duke Haywood all stated their names and addresses for the record.

Mr. Reeves state that the proposed development will be an extremely low traffic generating project, less than 10 trucks per average weekday and less than 12 employees. Access to this site is currently sharing access with residence to the north and the City well fields to the east. Access will continue to be shared with the residence and well field and additional property south of the development.

The meeting was open to the public.

Shirley Gingery of 3305 South Jonesville Road had several question for the petitioners. She stated that she is the one that would be sharing a driveway with the property. She asked what it would do to the value of her land, and asked about the access road that they would be using. Ms. Gingery wanted to know if the proposed facility would be enclosed for safety reasons, and about the smell.

Kenneth Willey, 225 Huffman Drive, asked if the proposal would hurt the value of his home, and he had some concerns about the smell.

The meeting was closed to the public.

Mr. Reeves stated that he did not foresee any problems with smell or the value of the surrounding property.

Mr. Bonnell made a motion to approve **C/CU-08-10** based on the provisional findings of fact as presented by staff.

Ms. Marr seconded the motion, and it passed by a vote of 5-0.

**C/CU-08-11: Sunham Home Fashions**

Sunham Home Fashions is requesting a renewal of conditional use approval for a factory outlet store related to an industrial use, per zoning Ordinance Section 17.38.030. The property is located at 4635 Progress Drive in the City of Columbus.



Jane Cooney and Darlene Williams stated their names and addresses for the record.

Ms. Pannell read the background and the findings of fact into the record.

She stated that this petition was a renewal of a conditional use to allow the operation of a factory outlet store, directly related to an industrial use the 1-2 zoning district.

The meeting was open to the public.

There was no one to speak for the public hearing.

Mr. Sharp made a motion to approve **C/CU-08-11** based on the provisional findings of fact for criteria 1, 3, 4, 5, 6, and 7. He said that criterion 2 was met because the store will be reduced to 600 square feet, and only 6 employees will occupy the remainder of the building; and that criterion 8 was met because there adequate parking, so safety will not be an issue.

The motion was seconded by Mr. Bonnell and passed by a vote of 5-0.

**C/DS-08-23: Circle K:**

Circle K is a request for a development standards variance from Zoning Ordinance Section 10 (D) (7) to allow 3 off-premise signs to be located on an existing, legally nonconforming freestanding sign. The property on which the existing sign is located is 2415 Jonathan Moore Pike in the City of Columbus. The business represented by the 3 off premise signs will be located at 90 Johnson Boulevard, and on Lots 9 and 10 of the 3<sup>rd</sup> Replat of Linden Park Lots 7A & 7B, all in the City of Columbus.

Ms. Pannell began the meeting by reading the background and findings of fact into the record. She stated that none of the criteria had been met.

Jeff Marshall, representing the petitioner, stated his name and address into to record.

Mr. Marshall stated that the proposed variance is for the purpose of installing three off-premise signs on a legally, nonconforming freestanding sign. He said the business proposed to be represented by the 3 off-premise signs will be located at 90 Johnson Boulevard, and on lots 9 and 10 in the 3<sup>rd</sup> Replat of Linden Park Lots 7A & 7B.

There was no one to speak for the public hearing.

Ms. Marr made a motion to deny **C/DS-08-24** based on the provisional findings of fact as presented by staff.

Mr. Sharp seconded the motion, and it was approved by a vote of 5-0.

**C/CU-08-14: 6<sup>th</sup> Street General Baptist Church**

A request by 6<sup>th</sup> Street General Baptist Church for conditional use approval to expand an existing worship facility, per Zoning Ordinance Section 3.12 (B). The property is located at 2102 6<sup>th</sup> Street in the City of Columbus.

Reverend Patrick Fields of 6<sup>th</sup> Street General Baptist Church submitted a letter requesting that the petition be withdrawn.

Mr. Wetherald made a motion to accept the withdrawal.

The motion was seconded by Mr. Bonnell, and passed by a vote of 5-0.

**FINDINGS OF FACT**

The following findings of fact were presented to the Board for consideration:

**C/DS-08-12: First Financial Bank**

Mr. Bonnell made a motion to approve **C/DS-08-12**. The motion was seconded by Mr. Wetherald, and passed by a vote of 3-0.

**C/DS-08-13: Marla and Glenn Kemp**

Mr. Wetherald made a motion to approve **C/DS-08-13**. The motion was seconded by Ms. Marr and passed by a vote of 4-0.

**C/DS-08-15: McDonald's Restaurants USA LLC**

Mr. Bonnell made a motion to approve **C/DS-08-15**. The motion was seconded by Tom Wetherald and passed by a vote of 4-0.

**APPROVAL OF MINUTES**

Upon the motion made by Mr. Bonnell and seconded by Ms. Ferdon, the minutes of the September 23, 2008 meeting were approved by a vote of 4-0.

**DISUSSION**

There being no further business, the meeting was adjourned.

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Mary Ferdon, Chair

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Dave Bonnell, Secretary